

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

KELVIN L. STINSON,)

Defendant.)
_____)

4:09CR3069

MEMORANDUM AND ORDER

The defendant seeks a reduction in his sentence because of the retroactive changes to the “crack” Guidelines. His motion will be denied. In 2010, I found that Stinson was responsible for more than 310 grams of crack but less than 500 grams of that substance. (Filing no. 138.) Stinson’s base offense level was set at level 32. (Filing no. 150 at ¶ 26.) That is the same base offense level that would result from application of the amendments. Stated another way, since Stinson was involved with more than 280 grams of “crack,” the amendments provide Stinson with no grounds for relief.

IT IS ORDERED that the motion to reduce sentence under 2011 crack cocaine guideline amendment (filing no. 228) is denied.

DATED this 8th day of February, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge